

1-1 By: Parker, et al. (Senate Sponsor - Creighton) H.B. No. 2493  
 1-2 (In the Senate - Received from the House May 11, 2015;  
 1-3 May 15, 2015, read first time and referred to Committee on Business  
 1-4 and Commerce; May 22, 2015, reported favorably by the following  
 1-5 vote: Yeas 6, Nays 2; May 22, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7	X			
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12		X		
1-13		X		
1-14	X			
1-15	X			
1-16			X	

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the self-directed and semi-independent status of the  
 1-20 State Securities Board; authorizing fees.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 472.001, Government Code, is amended to  
 1-23 read as follows:

1-24 Sec. 472.001. APPLICABILITY OF CHAPTER. This chapter  
 1-25 applies to:

- 1-26 (1) the Texas State Board of Public Accountancy;
- 1-27 (2) the Texas Board of Professional Engineers; ~~and~~
- 1-28 (3) the Texas Board of Architectural Examiners; and
- 1-29 (4) the State Securities Board.

1-30 SECTION 2. The Securities Act (Article 581-1 et seq.,  
 1-31 Vernon's Texas Civil Statutes) is amended by adding Sections 44,  
 1-32 45, 46, and 47 to read as follows:

1-33 Sec. 44. SELF-DIRECTED AND SEMI-INDEPENDENT STATUS. The  
 1-34 State Securities Board has self-directed and semi-independent  
 1-35 status as provided under Chapter 472, Government Code.

1-36 Sec. 45. REPORT TO BOARD. Periodically, the Commissioner  
 1-37 shall submit to the members of the Board, as directed by the Board  
 1-38 members, a report of the receipts and expenditures of the agency.

1-39 Sec. 46. REFUND OF REGISTRATION FEE. If the Commissioner or  
 1-40 Board determines that all or part of a registration fee should be  
 1-41 refunded, the refund shall be made by warrant on the state treasury  
 1-42 from the fund into which the registration fee was deposited.

1-43 Sec. 47. REPRESENTATION BY ATTORNEY GENERAL. The attorney  
 1-44 general may assess and collect from the Commissioner or the Board  
 1-45 reasonable attorney's fees associated with any legal  
 1-46 representation requested by the Commissioner and provided by the  
 1-47 attorney general. Notwithstanding any other law, a requirement that  
 1-48 the attorney general represent an agency in any litigation does not  
 1-49 apply to a proceeding under this Act that is governed by Chapter  
 1-50 2001, Government Code.

1-51 SECTION 3. Subsections D, G, and K, Section 2, The  
 1-52 Securities Act (Article 581-2, Vernon's Texas Civil Statutes), are  
 1-53 amended to read as follows:

1-54 D. Each member of the Board is entitled to reimbursement for  
 1-55 travel expenses incurred ~~[per diem as set by legislative~~  
 1-56 ~~appropriation]~~ for each day that the member engages in the business  
 1-57 of the Board.

1-58 The Governor shall designate a member of the Board as the  
 1-59 presiding officer of the Board to serve in that capacity at the will  
 1-60 of the Governor. A majority of the members shall constitute a quorum  
 1-61 for the transaction of any business.

2-1 G. The Board shall appoint a Securities Commissioner who  
 2-2 serves at the pleasure of the Board and who shall, under the  
 2-3 supervision of the Board, administer the provisions of this Act.  
 2-4 The Board shall determine the Commissioner's salary. Each member of  
 2-5 the Board shall have access to all offices and records under his  
 2-6 supervision, and the Board, or a majority thereof, may exercise any  
 2-7 power or perform any act authorized to the [Securities]  
 2-8 Commissioner by the provisions of this Act.

2-9 K. The Commissioner shall determine the number of Board  
 2-10 employees and the employees' salaries. The Commissioner or his  
 2-11 designee shall develop an intraagency career ladder program, one  
 2-12 part of which shall be the intraagency posting of all nonentry level  
 2-13 positions for at least ten (10) days before any public posting. The  
 2-14 Commissioner or his designee shall develop a system of annual  
 2-15 performance evaluations based on measurable job tasks. All merit  
 2-16 pay for Board employees must be based on the system established  
 2-17 under this section.

2-18 SECTION 4. Subsection C, Section 2-3, The Securities Act  
 2-19 (Article 581-2-3, Vernon's Texas Civil Statutes), is amended to  
 2-20 read as follows:

2-21 C. A person appointed to the Board is entitled to  
 2-22 reimbursement [~~, as provided by the General Appropriations Act,~~] for  
 2-23 the travel expenses incurred in attending the training program  
 2-24 regardless of whether the attendance at the program occurs before  
 2-25 or after the person qualifies for office.

2-26 SECTION 5. Subsections A and D, Section 35, The Securities  
 2-27 Act (Article 581-35, Vernon's Texas Civil Statutes), are amended to  
 2-28 read as follows:

2-29 A. The Board shall establish the following fees to produce  
 2-30 [~~in amounts so that the aggregate amount that exceeds the amount of~~  
 2-31 ~~the fees on September 1, 2002, produces]~~ sufficient revenue to  
 2-32 cover the costs of administering and enforcing this Act:

2-33 (1) for the filing of any original, amended, or  
 2-34 renewal application to sell or dispose of securities [~~, an amount~~  
 2-35 ~~not to exceed \$100];~~

2-36 (2) for the filing of any original application of a  
 2-37 dealer or investment adviser or for the submission of a notice  
 2-38 filing for a federal covered investment adviser [~~, an amount not to~~  
 2-39 ~~exceed \$100];~~

2-40 (3) for the filing of any renewal application of a  
 2-41 dealer or investment adviser or for the submission of a renewal  
 2-42 notice filing for a federal covered investment adviser [~~, an amount~~  
 2-43 ~~not to exceed \$100];~~

2-44 (4) for the filing of any original application for  
 2-45 each agent, officer, or investment adviser representative or for  
 2-46 the submission of a notice filing for each representative of a  
 2-47 federal covered investment adviser [~~, an amount not to exceed \$100];~~  
 2-48 and

2-49 (5) for the filing of any renewal application for each  
 2-50 agent, officer, or investment adviser representative or for the  
 2-51 submission of a renewal notice filing for each representative of a  
 2-52 federal covered investment adviser [~~, an amount not to exceed \$100].~~

2-53 D. A cost incurred by the Board in administering or  
 2-54 enforcing this Act may be paid only from a fee collected under  
 2-55 Subsection A of this section.

2-56 SECTION 6. The following provisions of The Securities Act  
 2-57 (Article 581-1 et seq., Vernon's Texas Civil Statutes) are  
 2-58 repealed:

2-59 (1) Subsections J, M, and N, Section 2;

2-60 (2) Subsection C, Section 35; and

2-61 (3) Section 36.

2-62 SECTION 7. Subject to Chapter 472, Government Code, the  
 2-63 appropriations made by an Act of the 84th Legislature, Regular  
 2-64 Session, 2015, may be spent by the State Securities Board as the  
 2-65 Securities Commissioner directs. The board shall repay to the  
 2-66 general revenue fund the appropriation made to the agency for the  
 2-67 state fiscal year ending August 31, 2016, not later than that date  
 2-68 and as funds become available. The board shall repay to the general  
 2-69 revenue fund the appropriation made to the board for the state

3-1 fiscal year ending August 31, 2017, not later than that date and as  
3-2 funds become available.

3-3 SECTION 8. The transfer of the State Securities Board to  
3-4 self-directed and semi-independent status under this Act, and the  
3-5 expiration of self-directed and semi-independent status may not act  
3-6 to cancel, suspend, or prevent:

3-7 (1) any debt owed to or by the State Securities Board;

3-8 (2) any fine, tax, penalty, or obligation of any  
3-9 party;

3-10 (3) any contract or other obligation of any party; or

3-11 (4) any action taken by the State Securities Board,  
3-12 the Securities Commissioner, or the board's employees in the  
3-13 administration or enforcement of the agency's duties.

3-14 SECTION 9. The State Securities Board shall continue to  
3-15 have and exercise the powers and duties allocated to the board in  
3-16 the board's enabling legislation, except as specifically amended by  
3-17 this Act.

3-18 SECTION 10. Title to or ownership of all supplies,  
3-19 materials, records, equipment, books, papers, and furniture used by  
3-20 the State Securities Board is transferred to the State Securities  
3-21 Board in fee simple. This Act does not affect any property owned by  
3-22 the State Securities Board on or before the effective date of this  
3-23 Act.

3-24 SECTION 11. Beginning September 1, 2015, the State  
3-25 Securities Board shall pay rent to this state in a reasonable amount  
3-26 to be determined by the Texas Facilities Commission for its use and  
3-27 occupancy of state-owned office space.

3-28 SECTION 12. This Act takes effect September 1, 2015.

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